

MEMO

DATE: May 6, 2004

TO: The Energy and Environment Committee

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SUBJECT: Information Item: S. 1107 (Thomas) Recreational Fee Authority Act of 2004

SUMMARY:

S. 1107, introduced by Senator Craig Thomas (R-WY), makes permanent a user fee presently collected as a demonstration project by the National Park Service. The fees will be used for visitor services, maintenance and repair of facilities, and cultural and natural resource management.

BACKGROUND:

Senator Craig Thomas (R-WY) introduced S. 1107, the Recreational Fee Authority Act of 2004, on May 20, 2003 to make permanent a user fee currently collected by the National Park Service as part of a demonstration project slated to sunset in 2005. Since its introduction, S. 1107 has been heard by the Senate Committee on Energy and Natural Resources Subcommittee on National Parks and has been reported from the Committee with a favorable amendment. As of this writing, S. 1107 has been placed on the Senate Legislative Calendar under General Orders, No. 443. S. 1107's broader companion bill in the House of Representatives, H.R. 3283, introduced by Representative Ralph Regula (R-OH-16), has been referred to the House Committees on Resources and Agriculture. H.R. 3283 extends the fee to all federal recreational lands.

Since its inception in 1997, the fee demonstration project that would be made permanent in S. 1107 has collected over \$708 million for visitor services, maintenance and repair of facilities, and cultural and natural resource management. Parks participating in the demonstration project may keep up to 80 percent of fees they collect; the remaining 20 percent is shared on a service-wide basis among non-participating parks. The Secretary of the Interior determines which parks may collect fees and sets the fee rate. S. 1107 extends the demonstration project indefinitely.

CAE#97971



**SOUTHERN CALIFORNIA
ASSOCIATION of GOVERNMENTS**

Calendar No. 443

108TH CONGRESS
2D SESSION**S. 1107****[Report No. 108–233]**

To enhance the Recreational Fee Demonstration Program for the National
Park Service, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2003

Mr. THOMAS introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

MARCH 9, 2004

Reported by Mr. DOMENICI, with amendments

[Omit the part struck through and insert the part printed in italics]

A BILL

To enhance the Recreational Fee Demonstration Program
for the National Park Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Recreational Fee Au-
5 thority Act of ~~2003~~ 2004”.

1 **SEC. 2. RECREATION FEE AUTHORITY.**

2 (a) IN GENERAL.—Beginning ~~in Fiscal Year 2004~~
 3 ~~and thereafter~~, *on January 1, 2006*, the Secretary of the
 4 Interior (“Secretary”) may establish, modify, charge, and
 5 collect fees for admission to a unit of the National Park
 6 System and the use of National Park Service (“Service”)
 7 administered areas, lands, sites, facilities, and services (in-
 8 cluding reservations) by individuals and/or groups. Fees
 9 shall be based on an analysis by the Secretary of—

10 (1) the benefits and services provided to the vis-
 11 itor;

12 (2) the cumulative effect of fees;

13 (3) the comparable fees charged elsewhere and
 14 by other public agencies and by nearby private sec-
 15 tor operators;

16 (4) the direct and indirect cost and benefit to
 17 the government;

18 (5) public policy or management objectives
 19 served;

20 (6) economic and administrative feasibility of
 21 fee collection; and

22 (7) other factors or criteria determined by the
 23 Secretary.

24 (b) NUMBER OF FEES.—The Secretary shall estab-
 25 lish the minimum number of fees and shall avoid the col-

1 lection of multiple or layered fees for a wide variety of
 2 uses, activities or programs.

3 (c) ANALYSIS.—The results of the analysis together
 4 with the Secretary's determination of appropriate fee lev-
 5 els shall be transmitted to the Congress at least three
 6 months prior to publication of such fees in the Federal
 7 Register. New fees and any increases or decreases in es-
 8 tablished fees shall be published in the Federal Register
 9 and no new fee or change in the amount of fees shall take
 10 place until at least 12 months after the date the notice
 11 is published in the Federal Register.

12 (d) ADDITIONAL AUTHORITIES.—Beginning on ~~Octo-~~
 13 ~~ber 1, 2003~~ *January 1, 2006*, the Secretary may enter into
 14 agreements, including contracts to provide reasonable
 15 commissions or reimbursements with any public or private
 16 entity for visitor reservation services, fee collection and/
 17 or processing services.

18 (e) ADMINISTRATION.—The Secretary may provide
 19 discounted or free admission days or use, may modify the
 20 National Park Passport, established pursuant to Public
 21 Law 105–391, and shall provide information to the public
 22 about the various fee programs and the costs and benefits
 23 of each program.

24 (f) STATE AGENCY ADMISSION AND SPECIAL USE
 25 PASSES.—Effective ~~October 1, 2003~~ *January 1, 2006*, and

1 notwithstanding the Federal Grants Cooperative Agree-
2 ments Act, the Secretary may enter into revenue sharing
3 agreements with State agencies to accept their annual
4 passes and convey the same privileges, terms and condi-
5 tions as offered under the auspices of the National Park
6 Passport, to State agency annual passes and shall only
7 be accepted for all of the units of the National Park Sys-
8 tem within the boundaries of the State in which the spe-
9 cific revenue sharing agreement is entered into except
10 where the Secretary has established a fee that includes
11 a unit or units located in more than one State.

12 **SEC. 3. DISTRIBUTION OF RECEIPTS.**

13 Without further appropriation, all receipts collected
14 pursuant to the Act or from sales of the National Park
15 Passport shall be retained by the Secretary and may be
16 expended as follows:

17 (1) 80 percent of amounts collected at a specific
18 area, site, or project as determined by the Secretary,
19 shall remain available for use at the specific area,
20 site or project, except for those units of the National
21 Park System that participate in an active revenue
22 sharing agreement with a State under Section 2(f)
23 of this Act, not less than 90 percent of amounts col-
24 lected at a specific area, site, or project shall remain
25 available for use.

1 (2) The balance of the amounts collected shall
2 remain available for use by the Service on a Service-
3 wide basis as determined by the Secretary.

4 (3) Monies generated as a result of revenue
5 sharing agreements established pursuant to Section
6 2(f) may provide for a fee-sharing arrangement. The
7 Service shares of fees shall be distributed equally to
8 all units of the National Park System in the specific
9 States that are parties to the revenue sharing agree-
10 ment.

11 (4) Not less than 50 percent of the amounts
12 collected from the sale of the National Park Pass-
13 port shall remain available for use at the specific
14 area, site, or project at which the fees were collected
15 and the balance of the receipts shall be distributed
16 in accordance with paragraph 2 of this Section.

17 **SEC. 4. EXPENDITURES.**

18 (a) USE OF FEES AT SPECIFIC AREA, SITE, OR
19 PROJECT.—Amounts available for expenditure at a spe-
20 cific area, site or project shall be accounted for separately
21 and may be used for—

22 (1) repair, maintenance, facility enhancement,
23 media services and infrastructure including projects
24 and expenses relating to visitor enjoyment, visitor

1 access, environmental compliance, and health and
2 safety;

3 (2) interpretation, visitor information, visitor
4 service, visitor needs assessments, monitoring, and
5 signs;

6 (3) habitat enhancement, resource assessment,
7 preservation, protection, and restoration related to
8 recreation use; and

9 (4) law enforcement relating to public use and
10 recreation.

11 (b) The Secretary may use not more than fifteen per-
12 cent of total revenues to administer the recreation fee pro-
13 gram including direct operating or capital costs, cost of
14 fee collection, notification of fee requirements, direct infra-
15 structure, fee program management costs, bonding of vol-
16 unteers, start-up costs, and analysis and reporting on pro-
17 gram accomplishments and effects.

18 **SEC. 5. REPORTS.**

19 On January 1, ~~2006~~, 2009, and every three years
20 thereafter the Secretary shall submit to the Congress a
21 report detailing the status of the Recreation Fee Program
22 conducted in units of the National Park System including
23 an evaluation of the Recreation Fee Program conducted
24 at each unit of the National Park System; a description
25 of projects that were funded, work accomplished, and fu-

- 1 ture projects and programs for funding with fees, and any
- 2 recommendations for changes in the overall fee system.